

2-100.51 (CHG 1). Pretreatment Program Approvals

1. AUTHORITY. Pursuant to Sections 301(b), 307(b) and 307(c) of the Clean Water Act (CWA), and 40 CFR Part 403 (General Pretreatment Regulations for Existing and New Sources of Pollution) the authority to:

- a. Approve Publicly Owned Treatment Works (POTW) pretreatment programs under 40 CFR ' 403.11.
- b. Approve modifications to POTW pretreatment programs under 40 CFR ' 403.18.
- c. Make preliminary determinations that the POTW submission is complete, under 40 CFR ' 403.9(e).
- d. Determine that the POTW submission is defective and to so notify the POTW, under 40 CFR ' 403.9(f).
- e. Solicit the review and comment of the appropriate CWA Section 208 Planning Agencies, under 40 CFR ' 403.9(g).
- f. Substitute as the Control Authority for purposes of 40 CFR ' 403.12 where the POTW has not been approved as the appropriate Control Authority.
- g. Approve net/gross calculations under 40 CFR ' 403.15.
- h. Require detention time compensation consistent with 40 CFR Part 403, Appendix E, Section I.B.
- i. Approve conditional POTW program approvals under 40 CFR ' 403.9(c).
- j. Require a POTW pretreatment program under 40 CFR ' 403.8(a).
- k. Approve alternate temperature limits under 40 CFR ' 403.5(b)(5).
- l. Approve removal credits under 40 CFR ' 403.7.
- m. Approve an anticipated bypass under 40 CFR ' 403.17(d).
- n. Waive the written report on a bypass required to be submitted under 40 CFR ' 403.17(d).

2-100.51 (CHG 1). Pretreatment Program Approvals (continued)

2. TO WHOM DELEGATED.

- a. The authorities in 1.a. through 1.n. are delegated to the Director, Water Division (WD).
- b. The authorities in 1.a. through 1.n. are delegated to the Chief, Clean Water Branch, WD.
- c. The authorities in 1.c. and 1.d. are delegated to the WD staff person assigned to review each POTW submission on a case-by-case basis.

3. LIMITATIONS. The delegates shall consult with the Regional Counsel or his/her designee prior to exercising the authorities in 1.m. and 1.n. of this delegation.

4. REDELEGATION AUTHORITY.

- a. These authorities may not be redelegated without formal amendment .
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. Sections 204, 208, 301, 304, 307, 309 and 405 of the Clean Water Act, 42 U.S.C. " 1284, 1288, 1311, 1314, 1317, 1319 and 1345.

6. SUPERSESSION. Delegations Manual, CWA, Regional Delegation 2-100 (CHG 1), Pretreatment Program Approvals, 1200 TN RIII 112 (March 15, 1996).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator